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October 16, 2007

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The Hon. Charles L. Brieant  
United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, NY 10601-4150

Re: *New York SMSA Limited Partnership d/b/a Verizon Wireless, et al. v. Town of Clarkstown, New York, et al.*, Case No. 07-CV-7637 (CLB)(GAY)

Dear Judge Brieant:

In accordance with this Court's order, the parties have conferred regarding the adoption of a discovery plan for the above-referenced matter. I am attaching, on behalf of all parties to this action, a jointly agreed Civil Case Discovery Plan and Scheduling Order ("Plan and Order").

We respectfully advise the Court that all parties believe that, because the nature of plaintiffs' complaint is a facial challenge brought under the Federal Telecommunications Act to the Town's wireless telecommunications facilities law, this matter is very likely to be finally resolved by cross motions for summary judgment without any need for discovery. In light of this, the jointly proposed discovery plan and order provides for a consensual stay of discovery to abide the resolution of the parties' forthcoming cross-motions for summary judgment, to avoid premature discovery and the needless expense of time and resources by this Court, the parties and counsel. See Fed. R. Civ. P. 26(c) & (d); Johnson v. New York Univ. School of Educ., 205 F.R.D. 433 (S.D.N.Y. 2002) (stay of discovery pending resolution of dispositive motion).

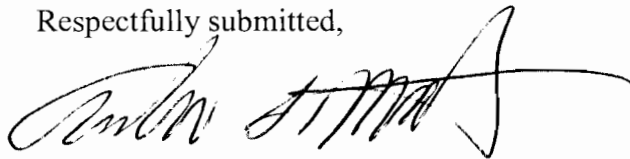
Accordingly, I am authorized to represent that all parties join in urging the adoption of the enclosed Plan and Order, including the attached schedule for cross motions for summary judgment. The parties also jointly request the adjournment of the Rule 16 conference, which is currently scheduled for October 26, 2007, to abide the outcome of the cross-motions for summary judgment. In the unlikely event that there remain any outstanding issues to be decided after the resolution of the cross motions for summary judgment, the parties would then propose an appropriate discovery schedule, using the Court's summary judgment rulings for guidance.

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We appreciate the Court's consideration and attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew G. McBride", with a large, sweeping flourish extending to the right.

Andrew G. McBride